

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
vs.)
CHAD ARRINGTON,) CRIMINAL NO.:
1:19-cr-00264-RDB-1
Defendant.)
_____)

Baltimore, Maryland
May 05, 2021
2:00 p.m.

TRANSCRIPT OF PROCEEDINGS
SENTENCING HEARING
BEFORE THE HONORABLE RICHARD D. BENNETT
Courtroom 5D

For the Plaintiff:

Mary Setzer, Esquire
Matthew P. Phelps, Esquire
Assistant U.S. Attorneys

For the Defendant:

Andrew R. Szekely, Esquire
Kirstin M. Hopkins, Esquire

Also Present: Manisha Garner, Probation;
Special Agents Michael Lewis and Courtney Richardson, FBI

Proceedings recorded by mechanical stenography, transcript
produced by computer.

Patricia G. Mitchell, RMR, CRR
Federal Official Court Reporter
101 W. Lombard Street, 4th Floor
Baltimore, Maryland 21201

P R O C E E D I N G S

(2:19 p.m.)

THE COURT: Good afternoon, everyone. This is calling the case of United States v. Chad Arrington, criminal number RDB-19-0264. The defendant was the only defendant indicted in a seven-count Indictment in this case, and he entered a plea of guilty before me on February 3rd of 2020 to Count 1, charging with conspiracy to commit wire fraud. We are here for sentencing today.

If counsel would identify themselves for the record, please.

MS. SETZER: Yes, Your Honor, good afternoon. Mary Setzer and Matthew Phelps on behalf of the Government. We're joined by Special Agents Courtney Richardson and Michael Lewis from the --

THE COURT: Yes, Ms. Setzer, nice to see you. Another assistant U.S. attorney with you, you said?

MS. SETZER: Yes, Matthew Phelps.

THE COURT: Mr. Phelps, nice to see you.

MR. PHELPS: Good afternoon, Your Honor. Thank you.

THE COURT: I know, Ms. Setzer, you have been before me before; it's been a while. Mr. Phelps, I'm not sure if you have been before me before, but it's nice to have you.

MR. PHELPS: Thank you, Your Honor.

THE COURT: And the case agent here is?

1 MS. SETZER: Special Agent Courtney Richardson and
2 she's joined by Special Agent Michael Lewis, both from the
3 FBI.

4 THE COURT: Thank you very much and welcome to all of
5 you. On behalf of the defendant.

6 MR. SZEKELY: Thank you. Your Honor, preliminarily,
7 would you prefer I address the Court seated or standing? I'm
8 not certain what the COVID protocols are.

9 THE COURT: We're getting back to normal so we can
10 stand.

11 MR. SZEKELY: Thank you, Your Honor. Andrew Szekely
12 and Kirstin Hopkins on behalf of Mr. Arrington. Mr. Arrington
13 is standing to my immediate right this afternoon.

14 THE COURT: Yes, Mr. Szekely, nice to see you.
15 Ms. Hopkins, nice to see you in person. Getting back to normal
16 here, not quite but we're getting there.

17 Good afternoon to you, Mr. Arrington.

18 THE DEFENDANT: How are you doing today?

19 THE COURT: Good afternoon to you, sir.

20 MR. SZEKELY: Also, Your Honor, if I may, we're also
21 joined by Mr. Arrington's mother, his father, his stepmother
22 and stepfather, and outside in the hallway, who could not come
23 in because of seating restrictions, are Mr. Arrington's sister,
24 aunt and grandmother. So he has a number of family members
25 here today, and others on the public access line.

1 THE COURT: Yes, we had some notice of additional
2 persons, and I thought the Marshals Service was trying to
3 arrange video capability in another courtroom. I'm not sure if
4 that was able to be done in time or not.

5 MR. SZEKELY: I did not, though I certainly
6 appreciate the effort. Thank you very much, Your Honor.

7 THE COURT: That's fine. Welcome to all of you here.
8 Ms. Setzer, there has been notice to the victims here, the
9 defendant's former employer. I have the victim impact
10 statement from Money Map Press. There's obviously been a
11 notice to that victim, as well as I believe to American
12 Express; is that correct?

13 MS. SETZER: Yes, Your Honor.

14 THE COURT: I do have an impact statement from Money
15 Map Press. I don't have anything from the -- from American
16 Express.

17 We're ready to proceed here, Mr. Arrington. If
18 you'll please stand for a few minutes here, sir. I want to
19 verify -- I'll note, by the way, U.S. Probation Officer Tracy
20 Schrum prepared the presentence investigation report but she is
21 not here, and we are joined in her place by Manisha Garner.
22 Ms. Garner, nice to see you.

23 PROBATION OFFICER: Nice to see you as well, Judge.

24 THE COURT: Nice to see you as always. Hold on one
25 second, please.

1 Now if you'll please stand, Mr. Arrington. I want to
2 verify, sir, that you've had an opportunity to review the
3 presentence investigation report in this case. Have you had an
4 opportunity to review it?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Keep the microphone close to you. You
7 don't need to bend over. Approximately how many times have you
8 reviewed the presentence report with Mr. Szekely, the Assistant
9 Federal Public Defender, and with Ms. Hopkins?

10 THE DEFENDANT: At least four or five.

11 THE COURT: Are you satisfied you've had sufficient
12 amount of time to go over it with them?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: There are no corrections or objections by
15 the Government; is that correct, Ms. Setzer?

16 MS. SETZER: That's correct, Your Honor.

17 THE COURT: Mr. Szekely, there are no corrections or
18 objections to the report per se, but you reserve the right, as
19 you've noted in your submission to the Court, Paper No. 63, to
20 contend that there's overrepresentation of criminal history,
21 correct?

22 MR. SZEKELY: Your Honor, at that time the parties
23 believed Mr. Arrington had no criminal history that would
24 score. We weren't certain. That was reserved in the event
25 something occurred --

1 THE COURT: Okay. I made a note he has the lowest
2 Criminal History Category of I.

3 MR. SZEKELY: Which we anticipated but we were just
4 reserving that opportunity in case we all missed something.
5 We're not presenting any such argument today --

6 THE COURT: So you're not trying to argue for zero or
7 minus one then, correct?

8 MR. SZEKELY: Not trying to argue for zero or minus
9 one, Your Honor.

10 THE COURT: That's fine then. With that, let me just
11 go over the federal process here in federal court,
12 Mr. Arrington. I know I went over this with you over a year
13 ago when you pled guilty, but also for the benefit of your
14 mother and father, stepfather, stepmother, and for the benefit
15 of your sister, aunt, anybody else in the family here. The
16 federal sentencing process is a little bit more formal than
17 state court. Essentially there are two key opinions of the
18 United States Supreme Court issued in the last 16 years that
19 outline the process for sentencing in federal court.

20 First of all, in the case of *United States v. Booker*
21 in January of 2005, the United States Supreme Court upheld the
22 constitutionality of the Federal Sentencing Guidelines which
23 were referenced in paragraph 5 of your plea agreement letter
24 when you pled guilty back last February of 2020. That was
25 introduced as Government Exhibit 1. The Supreme Court upheld

1 the constitutionality of those guidelines in the *Booker* case in
2 January of 2005 with the deletion of two particular sections of
3 the guidelines which had previously rendered the guidelines
4 mandatory.

5 The Supreme Court specifically noted that with the
6 deletion of those mandatory provisions, the balance of the
7 Federal Sentencing Reform Act were constitutional, but as a
8 result of its opinion, the guidelines were rendered effectively
9 advisory and were to be applied in an advisory context, meaning
10 that federal judges, while not bound to apply those guidelines,
11 must still consult them and take them into account when
12 imposing the sentence. Do you understand that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: That is still subject to review by courts
15 of appeals for unreasonableness. Here in this case, paragraph
16 10 of the plea agreement letter indicated both you and the
17 Government waived appeal of any lawful sentence, which means as
18 long as it's within the lawful parameters of the statute, the
19 Government waives appeal of the sentence if the Government
20 feels I've been too lenient.

21 Conversely, as long as it's within the parameters of
22 the statute, you waive appeal if you think I've been too harsh.
23 Do you understand that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Under the approach adopted by the Supreme

1 Court, other factors are to be considered as well under
2 Section 18 United States Code, Section 3553(a). Those factors
3 that I'll consider here today include your personal history and
4 characteristics, the nature and circumstances of the offense,
5 the sentences imposed upon similarly situated individuals. All
6 of those factors come into play here as well when I impose the
7 sentence.

8 I said there were two key opinions of the United
9 States Supreme Court. The second of those two opinions was the
10 case of *Gall v. the United States*, decided about three years
11 after the *Booker* case in December 2007, in which the Supreme
12 Court of the United States provided further instruction to
13 federal judges. Again, this applies only to federal court, not
14 state court. Specifically, the Supreme Court admonished
15 federal judges that the Federal Sentencing Guidelines are not
16 presumed to be reasonable. They're just a starting point in a
17 multistep process pursuant to which first there's a calculation
18 of the advisory guideline range, and then there's a
19 consideration of other factors apart from the guidelines, those
20 factors I just mentioned; the goal being to impose a sentence
21 which is sufficient but not greater than necessary to achieve
22 the goals of sentencing.

23 So that will be the process here. We're going to go
24 over the guideline range. I don't think there's any dispute
25 about the guideline range. Then we'll consider other factors

1 apart from the guidelines. I'm going to hear from Government
2 counsel arguing in terms of allocution, following up on the
3 memorandum submitted by the Government.

4 I'm going to hear from your counsel, following up on
5 the memorandum which was submitted on April 28 on your behalf.
6 And you will have an opportunity to speak on your own behalf
7 and -- if you so desire. You don't have to, but you're
8 certainly welcome to.

9 For that matter, Mr. Szekely, if any family members
10 want to come forward, they're welcome to. The Government
11 doesn't have any objection, Ms. Setzer, if that's the case?

12 MS. SETZER: No, Your Honor.

13 THE COURT: So if anyone wants to speak, a member of
14 your family wants to speak, they're welcome to as well. So
15 that will be the process here today.

16 A few other housekeeping matters. Paragraph 73 of
17 the presentence investigation report noted some medication that
18 you take with respect to high blood pressure. Do you take
19 medication for high blood pressure, sir?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Did you take it today?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: You take it every day?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Is that having any negative effect upon

1 you here today?

2 THE DEFENDANT: No, sir.

3 THE COURT: There have also been some issues raised
4 in terms of addiction to Adderall and some anxiety issues. Did
5 you take any other medication today other than your blood
6 pressure medication?

7 THE DEFENDANT: Yeah, I took anxiety medicine and
8 also medicine for the bipolar depression.

9 THE COURT: You take medicine for being depressed and
10 bipolar as well?

11 THE DEFENDANT: Yes, every day.

12 THE COURT: Did you take that medication today?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: You normally take that every day as well?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Is that having any negative effect upon
17 you?

18 THE DEFENDANT: No, sir.

19 THE COURT: Mr. Szekely and Ms. Hopkins, are you both
20 confident that your client is competent to proceed with
21 sentencing here today?

22 MR. SZEKELY: Yes, Your Honor.

23 THE COURT: Now the other thing I want to go over
24 with you, Mr. Arrington, are the procedures required by the
25 PROTECT Act of 2003 which is a law that was passed by the U.S.

1 Congress in that year, and among the many provisions of the
2 PROTECT Act, there are provisions with respect to federal
3 courts when imposing sentences in federal criminal cases.
4 Specifically, the PROTECT Act of 2003 requires that the chief
5 judge of each federal court in the United States ensure that
6 within 30 days of the imposition of sentence, that certain
7 documents go over to the U.S. Sentencing Commission in
8 Washington.

9 Those documents include the Judgment & Commitment
10 Order which I'll be preparing with the aid of Ms. Carter, the
11 deputy clerk of court here in the courtroom; the statement of
12 reasons for the sentence imposed which shall include the reason
13 for any departures from the otherwise applicable guideline
14 range; a copy of the plea agreement in the case; the
15 seven-count Indictment as to which you pled guilty in Count 1;
16 the presentence investigation report prepared by Ms. Schrum;
17 and any other information the Sentencing Commission finds
18 appropriate.

19 All of that information goes over to the U.S.
20 Sentencing Commission in Washington within the next 30 days.
21 The chief judge of this court issued an administrative order in
22 the year 2003 directing the U.S. Probation Office, Ms. Garner's
23 office, to see that that information goes over to Washington.

24 That means, Mr. Arrington, that some of these
25 documents might be subject to review by other public officials

1 over in Washington or perhaps even by members of the public.

2 For a long period of time, it has been the policy
3 here in this court that there is a section marked defendant
4 characteristics in all presentence investigation reports
5 containing confidential family information, medical history,
6 medical issues, names of relatives. All of that information is
7 in that section marked defendant characteristics, which is
8 part C of the presentence report. Going back to 2004 to an
9 administrative order passed then and revised in 2015, pursuant
10 to an administrative order of this court, that section is
11 sealed. I have looked at it. Another judge of this court
12 could look at it, if he or she so chose, and members of the
13 U.S. Sentencing Commission in Washington may review it, but no
14 one else is permitted to see it absent further order of this
15 court.

16 Do you understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: In your case, part C begins in paragraph
19 63 on page 14 of the presentence investigation report and goes
20 over to paragraph 99 on page 20 so that portion is sealed.

21 I said the first step here -- to all other extent, I
22 would note the requirements of the PROTECT Act are still
23 mandated and to be complied with.

24 I said the first step here this afternoon is a
25 calculation of the advisory guideline range as to which there's

1 no dispute, and that is set forth on page 12, starting at
2 paragraph 43, with respect to the offense of conspiracy to
3 commit wire fraud as charged in Count 1 to which you pled
4 guilty and as to which you're being sentenced here today, there
5 is a base offense level of 25 as set forth in guideline Section
6 2B1.1(a)(1) with a base offense level of 7 and then an addition
7 of some 18 levels in light of the monetary loss caused here.
8 Indeed, the loss here is deemed to have exceeded \$3.5 million
9 but was less than 9.5 million, so there's a total offense level
10 of 25.

11 You're being given a two-level downward adjustment
12 for your acceptance of responsibility, and the Government is
13 now moving for a third level. Is that correct, Ms. Setzer?

14 MS. SETZER: That's correct, Your Honor.

15 THE COURT: That will be granted, so there's a total
16 offense level of 22 in this offense, Mr. Arrington. That's
17 exactly what was anticipated in the plea agreement letter of
18 December 19, 2019, which was introduced as Government's
19 Exhibit 1 at the time of your guilty plea on February 3rd of
20 last year, 2020, just before the pandemic hit.

21 With respect to your criminal history, you're at the
22 lowest criminal history category, as I've already noted to
23 Mr. Szekely. You had two charges as to which both were
24 dismissed, so there was no disposition. Two assault charges,
25 one in 2003 and one in 2018, both in the District Court of

1 Maryland for Baltimore County as to which there was no
2 adjudication. There is also a charge in the District Court of
3 Maryland for Baltimore County for telephone misuse, and that
4 had to do with a dispute with Danielle Smith, the mother of one
5 of your children.

6 So with that -- and there are no criminal history --
7 actually your only child, mother of your child. With that,
8 there are no other guideline issues here. And with a total
9 offense level of 22 and a Criminal History Category of I, there
10 is an advisory guideline range of 41 to 51 months'
11 incarceration. Again, I don't presume that that range is
12 reasonable, but that is the recommendation of the sentencing
13 guidelines.

14 There are no disputed matters for me to address, and
15 Mr. Szekely has acknowledged the issue of overrepresentation of
16 criminal history is not before me any longer.

17 With that, you may be seated. I'll first give
18 Ms. Setzer, the assistant U.S. attorney, an opportunity to
19 speak on behalf of the Government. And then I will recognize
20 Mr. Szekely for remarks on your behalf, and I will give you an
21 opportunity to speak, Mr. Arrington.

22 Ms. Setzer, the first step here I think for the
23 Government is that the Government is now moving to dismiss
24 Counts 2, 3, 4, 5, 6 and 7 of the Indictment, correct?

25 MS. SETZER: That is correct, Your Honor.

1 THE COURT: Consistent with the plea agreement, those
2 counts will be dismissed, and the defendant will be sentenced
3 on Count 1. Pursuant to paragraph 9 of the plea agreement
4 letter, the Government was free to recommend any sentence which
5 it felt was reasonable, as is the defendant entitled, and the
6 Government has submitted a sentencing memorandum, Paper No. 60,
7 on April 21. I have reviewed it.

8 With that, I'll be glad to hear from you, Ms. Setzer.

9 MS. SETZER: Thank you very much, Your Honor. As
10 indicated in the Government sentencing memorandum, we are
11 requesting a sentence of incarceration of 48 months in the
12 Bureau of Prisons to be followed by three years of supervised
13 release. In terms of restitution, we also discussed in that
14 memorandum and it was agreed in the plea agreement that the
15 total restitution due is \$4,142,435.31. I did provide to madam
16 courtroom deputy the addresses for the individuals that the
17 restitution is to be paid to. There are two insurance
18 companies, as well as the victim company in this matter --

19 THE COURT: Yes.

20 MS. SETZER: -- Money Map Press, so those addresses
21 were provided to the courtroom deputy prior to beginning
22 today's proceeding, Your Honor.

23 I just want to elaborate on a few comments the
24 Government had made in our sentencing memorandum without sort
25 of being redundant and repeating every single argument. As the

1 Court indicated, you did read our sentencing memorandum. One
2 thing that I think bears repeating and emphasizing, given that
3 the defense had focused a lot in their memoranda about the
4 overrepresentation of the loss amount in terms of the
5 guidelines in fraud offenses is that this case involves the
6 defendant's conduct that was pervasive and regularly occurring
7 over a period of several years, Your Honor. This was not a
8 month in time where he was committing fraud.

9 It was not something consistent with, as we'll be
10 talking about mental health, a manic episode, a brief period of
11 time, a couple days, a month or even a couple of months, or
12 even sporadic, in that it would be consistent with the
13 defendant experiencing some manic episode and undergoing poor
14 decision-making.

15 In fact, this occurred on a regular basis monthly,
16 month after month for a period of several years. With that
17 being said, Your Honor, the guidelines in this case are
18 indicative not only of the defendant's conduct and the loss
19 that is directly attributable to his actions, but how long it
20 was occurring.

21 What I'll also say is some of the quotes that the
22 defense had cited in their memoranda are a little bit taken out
23 of context or applying to different situations. For example,
24 there was a case that was cited, Shusterman, that was Judge
25 Bredar. I'm not claiming at all that the defense was

1 misrepresenting anything in quotes --

2 THE COURT: I understand.

3 MS. SETZER: -- I just think obviously there are
4 distinctions to be made here. In that case Judge Bredar talked
5 a lot about how he had bigger problems as the loss amounts
6 increased with the guidelines. That case was, I think, \$242
7 million of fraud. But what's more is in that case, Your Honor,
8 Judge Bredar talked about, he said at one point: Shouldn't
9 there be some additional factor in there which weighs in the
10 notion that somebody was gambling essentially to get a 39
11 percent return on an asset? Is there a place for consideration
12 of some sort of status of the victim, some expectation of the
13 downside consequences of highly risky investing?

14 I say that to point out that Judge Bredar was
15 commenting in the context of the loss amount and the guidelines
16 about other factors that should play in that are not taken into
17 account with the guidelines for fraud such as victim behavior.
18 Of course, the victim in that case obviously was still a victim
19 and Judge Bredar recognized them as such, but they were
20 engaging in some sort of risky investing behavior. So he
21 talked a lot about that.

22 What I will also note, there is a distinction from
23 this case between cases where there are several defendants
24 involved in a fraud scheme, or co-conspirators, whether charged
25 or uncharged, and they are responsible for the foreseeable loss

1 amount regardless of whether they directly engaged in that
2 particular fraud or directly knew, had actual knowledge about
3 it, but they could be responsible for a much larger amount of
4 intended loss. That is not the situation with this case.

5 We have this sole defendant in this case,
6 Mr. Arrington, who despite there being referenced
7 co-conspirators, the defendant was engaging in this fraud
8 himself for his own benefit and then sort of directing the
9 co-conspirators to aid in that fraud, Your Honor.

10 So it's not a situation where -- some of these cases
11 sort of talk about where there could be a defendant responsible
12 for a \$240 million loss or some high loss amount, which they
13 are responsible for; however, they weren't directly engaged in
14 every single fraudulent transaction. So the Government just
15 wanted to point that out to the Court, as the Court is aware
16 this case is very distinguishable. And while there may be some
17 cases where that is a valid argument -- I'm not commenting on
18 any particular case or whatnot -- this is not the case where
19 the loss amount in the guidelines is inappropriately enhancing
20 the defendant's guidelines. In fact, his guidelines in this
21 case the Government feels are appropriate and do warrant a
22 sentence within those guidelines as warranted.

23 What I'll also say is that the Government's
24 recommendation was with careful consideration. It was not
25 simply because this is a number somewhere within these

1 guidelines so that has to be appropriate. Of course, that's
2 not the case, and Your Honor started this proceeding by
3 recognizing that, as you always do. However, this is a case
4 where the defendant was already given the benefit of not
5 pleading to aggravated identity theft in addition, which would
6 carry 24 months consecutive to any other sentence.

7 So that was taken into account with the plea
8 agreement and, you know, what that would make these
9 guidelines --

10 THE COURT: So the record is clear, if he had been
11 found guilty by a jury as to that count, whatever penalty would
12 be imposed by statute, there would have been an additional
13 two-year sentence required by statute. I would have had no
14 discretion on that at all.

15 MS. SETZER: That's correct, Your Honor. That was
16 Counts 4 through 7 of the Indictment, as Your Honor pointed
17 out. So that was taken into account with the plea offer that
18 was made, and that was taking into account the defendant's lack
19 of criminal history as we all anticipated, and despite not
20 having a specific diagnosis that we have now of the defendant
21 at the time the plea offer was made, counsel had discussions
22 about potential mental health concerns of the defendant. So
23 that was taken into account as well, and I was a part of those
24 discussions with my prior co-counsel as well.

25 So with that being said, the Government has put

1 careful consideration into that recommendation of 48 months.

2 The amount of fraudulent behavior that was occurring,
3 the consistency with which it was occurring, and in addition,
4 as I indicated with the aggravated identity theft, the amount
5 of effort to conceal the fraud by forging his supervisor's
6 signature and then submitting these fraudulent accountings to
7 the company so that they did not discover it, was just
8 extremely egregious. More so than just having charged personal
9 expenses and spent the money. He was going through efforts,
10 recruiting others to help forge these documents and things like
11 that to conceal this fraud, Your Honor.

12 THE COURT: The American Express card for his
13 employer essentially amounted to his piggy bank account. He
14 was just ridding it at his will, so to speak. Until it was
15 disclosed, it could have gone on to even a higher monetary
16 amount, quite frankly.

17 MS. SETZER: Exactly, Your Honor. I think the
18 Government mentioned that in our sentencing memorandum as well.
19 This only ceased because it was discovered and when it was
20 discovered, thankfully, the defendant was immediately released.

21 After he was terminated, he then proceeded to shoot a
22 music video across the street from his employer sort of as a
23 thumbing his nose at them and saying, look, I'm still spending
24 this money and I'm rubbing it in your nose. Your Honor, that
25 kind of behavior indicates a lack of remorse, a lack of

1 contrition. Obviously he didn't know he was going to be
2 prosecuted, but he knew he had been terminated and he knew that
3 his fraud had been discovered, and yet he continued to sort of
4 flaunt the money that he had made from making charges at their
5 expense, Your Honor. So that's very telling.

6 Obviously we anticipate -- and obviously he's
7 accepted responsibility, and we anticipate some level of
8 contrition that he may express today. However, obviously today
9 is the sentencing day over a year after he entered the plea in
10 this case, Your Honor. So I think all of these things are
11 extremely relevant as to not only his conduct but his actual
12 remorse prior to judgment day.

13 Your Honor, you indicated you received the victim
14 impact statement that was sent today. We do have Mr. William
15 Krulak who's here. He's the attorney for Money Map Press.

16 THE COURT: Yes.

17 MS. SETZER: If he could --

18 THE COURT: Yes, I have read Mr. Krulak's victim
19 impact statement. Mr. Krulak represents Money Map Press, the
20 former employer of Mr. Arrington. Mr. Krulak, you're welcome
21 to come forward, sir, if you'd like and address the Court.

22 MR. KRULAK: Good afternoon, Your Honor.

23 THE COURT: Good afternoon. Just for the record here
24 on this, I've been on the bench now over 18 years, but prior to
25 18 years ago, I was a partner to the law firm of Miles and

1 Stockbridge. Mr. Krulak is a partner there at that law firm.
2 This doesn't create any conflict of interest for me at all, but
3 I think as a matter of complete disclosure, Mr. Krulak was a
4 young associate at that time. Now he's a young partner. But
5 he was a young associate at that time.

6 No problems from your point of view on that, is
7 there, Mr. Szekely?

8 MR. SZEKELY: No, Your Honor.

9 THE COURT: Doesn't affect me one way or the other.
10 Mr. Krulak, nice to see you. Step over by the podium there
11 inside the plexiglass. I'll be glad to hear from you.

12 I've read the impact statement. I believe you have a
13 copy of it, Mr. Szekely?

14 MR. SZEKELY: I have a copy, and so the record is
15 clear, I reviewed that with Mr. Arrington this afternoon before
16 we came to court.

17 THE COURT: Yes. We'll make sure, Ms. Carter, this
18 becomes Government's Exhibit 2 in this case. This will become
19 an exhibit here. I'll give it to you after we finish. Thank
20 you very much.

21 Mr. Krulak, I'll be glad to hear from you.
22 Welcome.

23 MR. KRULAK: Thank you, Your Honor. Good to see you
24 this afternoon, Judge. I think the memo that I prepared and
25 submitted through the U.S. Attorney's Office adequately covers

1 sort of the narrative of what my client experienced because of
2 Mr. Arrington's behavior. To pick up on two points, though,
3 that I think sort of amplify the circumstances, as noted in
4 Assistant U.S. Attorney Setzer's comments just a few moments
5 ago, this fraudulent behavior -- I think Your Honor picked up
6 on this as well -- was ongoing, and, in fact, I think the only
7 way to describe it accurately was it was accelerating.

8 The final month in which this was discovered, there
9 was over a million dollars charged on that American Express
10 card. If one were to go back and look at the months and year
11 preceding that, what began as a fairly modest fraudulent
12 behavior became more and more excessive and unbridled over the
13 passage of time.

14 So it was really just fortuitous that my client
15 discovered what Mr. Arrington was up to, and one might imagine
16 that had this gone undiscovered for an additional month or two
17 or year, the amount that could have been fraudulently obtained
18 by Mr. Arrington could have been multiples of what he obtained.

19 The other point that Assistant U.S. Attorney Setzer
20 noted was the sort of brazen nature of this and whether, even
21 after he had been terminated -- as I leave out of the city, I
22 drive up Charles Street through Mount Vernon and get on the JFX
23 right across from the train station. Full-size billboard at
24 that time after Mr. Arrington had been terminated had his
25 picture and was flaunting his new fledgling hip-hop career as

1 Chad Focus. That was a daily reminder --

2 THE COURT: The billboard was in the name of Chad
3 Focus, F-o-c-u-s, not Chad Arrington, correct?

4 MR. KRULAK: Correct, that was Mr. Arrington's alter
5 ego. I think that sort of illustrates the brazenness of this
6 fraudulent behavior. I've not been party to the claims of
7 mental illness and certainly that will be given whatever
8 consideration is necessary, but the extent of time in which
9 this behavior persisted I think illustrates...

10 So, Your Honor, if you have any questions based on
11 what you've read, I'd be happy to address --

12 THE COURT: I do note in addition to the -- just the
13 raw essentially embezzlement of all these funds and supporting
14 his efforts to publicize himself, I do note as a result of this
15 that your client, Money Map Press, has not only had insurance
16 coverage issues since then in terms of cost to the insurance
17 company here, but ten of his former colleagues at Money Map
18 Press have had their annual salaries cut dramatically because
19 of these losses. They're not making as much money as they did.
20 We're not just talking about harm to a corporate entity and an
21 insurance company paying benefits. We're talking about costs
22 to colleagues every payday.

23 MR. KRULAK: Very real human costs. Obviously --
24 maybe not obviously, one might not be surprised to learn that
25 there was great recrimination within the organization --

1 THE COURT: I'm sure there was.

2 MR. KRULAK: -- who was responsible, interaction
3 between the accounting department and the supervisor. There
4 were people who were terminated because of their role in not
5 discovering this fraud earlier. As I noted in the memo, a
6 number of people, a large performance of their compensation was
7 performance bonuses. Bonus not in the sense of getting
8 something extra but that you were paid essentially based on
9 revenue you were responsible for. As I said, there were a
10 number of people who had substantial financial hits because of
11 this.

12 This is a small local company that had entrusted
13 Mr. Arrington, and there's still a great deal of pain with
14 those people now.

15 THE COURT: Thank you very much, Mr. Krulak. No
16 questions from you, are there, Mr. Szekely?

17 MR. SZEKELY: No, Your Honor, thank you.

18 THE COURT: Thank you very much, Mr. Krulak.

19 MR. KRULAK: Thank you, Your Honor. Good to see you.

20 THE COURT: Ms. Setzer, anything else?

21 MS. SETZER: Just a few additional comments. In
22 terms of restitution, of course, the restitution should be paid
23 to the victim first prior to being paid to the insurance
24 companies.

25 THE COURT: Yes.

1 MS. SETZER: We did indicate in our sentencing
2 memorandum that we're requesting -- obviously the Court is
3 going to set a payment schedule, \$200 a month. I would
4 comment, based on something the defense had said in their
5 sentencing memorandum, that the defendant has been able to
6 obtain, I think it sounds like, a few other jobs while this
7 sentencing proceeding -- while the case was pending and while
8 this sentencing was pending. So I know there were a number of
9 requests for modifications of pretrial conditions because he
10 wanted more leeway in terms of conducting his business and
11 engaging in that employment. I think even at one point he had
12 been promoted to do some of the marketing at one of those jobs.

13 We point that out for two reasons, one, to say that
14 the point that he's been punished enough sort of by the press
15 of this case and that there shouldn't be further punishment in
16 terms of incarceration over a year is just not consistent with
17 the fact that he's gotten employment, even been promoted at one
18 of those jobs. I don't know if "promotion" is the proper word,
19 but there were requests to have alterations to pretrial
20 conditions so that he could engage in some marketing for one of
21 those firms. So, you know, I just think that that argument
22 falls flat.

23 But also we point that out to say that we're
24 requesting \$200 a month to be paid for the period of supervised
25 release. We think that is reasonable based on the employment

1 that he's been able to obtain while the case was pending and
2 that we anticipate that he will be able to obtain.

3 THE COURT: Clearly that will not pay all the
4 restitution of \$4.1 million. The balance will still remain due
5 and owing, will be dealt with by the financial litigation unit
6 of the U.S. Attorney's Office --

7 MS. SETZER: Exactly, Your Honor.

8 THE COURT: -- in terms of a continued payment. So
9 it's not like Mr. Arrington is home-free after his period of
10 supervised release is up. This will be a matter he'll have to
11 continue to live with for quite a long time. It will take a
12 long time to pay back \$4 million.

13 MS. SETZER: Yes, Your Honor. Finally, we did file a
14 preliminary order of forfeiture. The U.S. Attorney's Office
15 had been discussing it with defense counsel, and we got their
16 consent just prior to this proceeding --

17 THE COURT: Just filed that today then?

18 MS. SETZER: We did, yes, Your Honor.

19 THE COURT: Because I hadn't seen it, I'm sorry.

20 MS. SETZER: No, that's my apologies.

21 THE COURT: That's all right.

22 MS. SETZER: We had been discussing that, and we
23 didn't want to file it if they consented or objected and not
24 notify the Court of their position. So there was consent on
25 that, that was filed today --

1 THE COURT: Do you have a copy of that or does the
2 clerk have a copy of that?

3 MS. SETZER: It was just filed while I was walking
4 over here.

5 THE COURT: Can you try and download that now,
6 Ms. Carter, if you can?

7 That forfeiture order is for how much? What assets,
8 what is the totality of the forfeiture order that I'm entering
9 here?

10 MS. SETZER: It's the full amount --

11 THE COURT: Of \$4.1 million?

12 MS. SETZER: Yes. I have to look --

13 MR. SZEKELY: Your Honor, it's less -- it's a money
14 judgment in the amount of approximately \$1.5 million.

15 THE COURT: I'm trying to clarify what is being
16 forfeited.

17 MR. SZEKELY: It's a money judgment sort of targeting
18 the unearned income Mr. Arrington obtained.

19 MS. SETZER: Yes, I think that's fair to say.

20 THE COURT: That's fine.

21 MR. SZEKELY: If you're done?

22 MS. SETZER: Yes.

23 MR. SZEKELY: Your Honor, there's one other matter
24 just on restitution. There's some property that is in the
25 Government's possession. Some of it is in salable condition,

1 and any proceeds of that will be credited to the restitution.

2 MS. SETZER: That's correct.

3 THE COURT: That's fine. We'll have a restitution
4 order of \$4,142,435.31 with payment of \$200 a month during the
5 period of supervised release. It will note that any sale or
6 property forfeited will be credited against that restitution.
7 Remind me, Ms. Carter, to put that in the language of the
8 Judgment & Commitment Order.

9 THE CLERK: Yes, Judge.

10 THE COURT: Thank you very much, Ms. Setzer. Thank
11 you, Mr. Krulak.

12 I now recognize Mr. Szekely for remarks on behalf of
13 Mr. Arrington. I've read your sentencing memorandum, Paper
14 No. 63, that was filed on April 28, and I'll be glad to hear
15 from you.

16 MR. SZEKELY: Thank you, Your Honor. A sentence of
17 12 months and one day in this case is reasonable because it
18 balances the competing factors before the Court today. The
19 Court has just indicated that it has reviewed my sentencing
20 memorandum. It's quite lengthy, which I do apologize for the
21 length of that --

22 THE COURT: Actually by public defender standards,
23 it's just about normal.

24 MR. SZEKELY: I'll pass that on to my colleagues.

25 THE COURT: I don't think I've ever gotten a

1 sentencing memorandum less than 15 pages from the public
2 defender's office, so you're right in the ballpark.

3 MR. SZEKELY: I'm not going to recount everything,
4 Your Honor, clearly, but I do want to highlight a few points
5 and contrast some things with the Government. Mr. Arrington
6 does intend to allocute and I think on the topic of remorse, I
7 believe those words are best left to Mr. Arrington to say. I'm
8 not addressing that now not because it's not important, not
9 because it's not present in this case, but because I think
10 Mr. Arrington should speak directly to that.

11 But I want the Court to understand that Mr. Arrington
12 has a keen and deep awareness of the gravity of his actions.
13 We just heard from Mr. Krulak. Prior to court today, the
14 Government provided the written victim impact, and
15 Mr. Arrington came to my office in advance of the proceeding
16 today, and Ms. Hopkins and I reviewed that with Mr. Arrington.
17 And ten people have had their pay reduced which is clear harm
18 to those people. And we're, I think appropriately, spending
19 most of this proceeding discussing Mr. Arrington, but he's
20 keenly aware how his offense impacted and hurt others, and
21 those ten people are people who Mr. Arrington knew for the most
22 part. We don't have their names but it's a small organization.
23 There's a good chance Mr. Arrington knew them and he's
24 remorseful for that. He'll speak to the Court about that, but
25 also it's something he'll carry with him.

1 Mr. Arrington and I also spoke with Ms. Hopkins at
2 some lengths about what is our sentencing recommendation going
3 to be. During that conversation which was a couple weeks prior
4 to today's proceeding, Mr. Arrington said something that I sort
5 of noted and I think it's noteworthy, that when Mr. Arrington
6 said, look, Mr. Szekely, when I signed this plea, you told me
7 what the guidelines were going to be. I knew there were no
8 guarantees of what my sentence would be, but I pled guilty
9 because it was the right thing to do in this case.

10 I don't want this to sound like I'm saying we believe
11 a sentence in excess of the sentence we're asking for is
12 reasonable because our position is it is not. But it does
13 demonstrate that Mr. Arrington does have an understanding of
14 the gravity of the seriousness of not just this offense and not
15 just the effect the offense will have on his life, but on the
16 effect it has had on others.

17 I'm not going to make --

18 THE COURT: Not only that, Mr. Szekely, but it's very
19 frustrating here that, given all the issues that face the city
20 of Baltimore, it's very distressing to see a young man get a
21 degree in mass communications from a respected college,
22 McDaniel College, to play basketball, be doing all the right
23 things and have it all turn out to be a fraud. It really is
24 very distressing when the young people of this city need a role
25 model to show what results from hard work and getting a college

1 degree and playing sports, and instead the whole thing blows up
2 and is all a fraud. It really -- there isn't just a negative
3 effect upon ten co-employees; there's a negative effect upon
4 young people who saw the billboards, young people who saw the
5 purported success of Chad Focus, and young people who have
6 those kinds of dreams and realize it's all based upon fraud.

7 It's not that he doesn't have talent, but you can't
8 finance your talent at the expense of somebody else and
9 buttress yourself up. So there's a real impact on the
10 community here, and it isn't just his ten co-employees.

11 MR. SZEKELY: I understand and appreciate that, Your
12 Honor. I just want to -- when the Court said it was all a
13 fraud, certainly the conduct in this case was fraudulent, and
14 that's why Mr. Arrington has entered the plea that he has and
15 why we're here today. But in terms of Mr. Arrington's -- the
16 other parts of Mr. Arrington's life, his --

17 THE COURT: I don't mean his whole life is a fraud.
18 I'm just saying in terms of the ticket sales --

19 MR. SZEKELY: That's fine, I just wanted to be
20 clear --

21 THE COURT: -- posturing on the social media, all of
22 which was a fraud. He's self-financing creating an illusion,
23 and that's what's very disappointing. It would be encouraging
24 to watch someone succeed such as this. Instead, it's all been
25 buttressed by falsehoods.

1 MR. SZEKELY: Your Honor, I was going to address this
2 later, but maybe now is the time it makes sense to address it.
3 The Government had said something -- I don't want to
4 mischaracterize what the Government said, but effectively that
5 the defense has argued that because the case was in the press,
6 that that is punishment. Though that has certainly been
7 difficult for Mr. Arrington and even more difficult for his
8 family members to see that in the news, the effect of the press
9 in this case I think is most apparent in the deterrent
10 effect.

11 So, Your Honor, we talk regularly in this courthouse
12 about specific and general deterrence. In our typical drug
13 case or typical gun case that don't get press attention, I find
14 it difficult to draw a straight line from maybe what happens in
15 this courtroom to deterrence. I don't believe people are
16 necessarily aware of the sentences and the prosecutions in this
17 courthouse, but Mr. Arrington's case received significant media
18 attention. I don't know if any members of the press are here
19 today, but I would expect it has received prior press, it will.
20 That has a powerful deterrent effect. It's in the news.

21 I understand the Court's point about seeing this and
22 it was all sort of built on a falsehood, but sort of the
23 concluding chapter of that story is an individual who did that
24 is going to be getting a prison sentence and a federal felony
25 conviction because of what happened in this case.

1 And that is a compelling deterrent to anyone -- Your
2 Honor has indicated maybe other people who saw those billboards
3 and wondered, "How can I achieve this, how can I do that?" The
4 message is going to be clearly sent after today: The way you do
5 it is not the way Mr. Arrington did it because Mr. Arrington is
6 now going to be a felon from this point forward, and he's going
7 to spend some amount of time in prison. We don't know exactly
8 what that time is yet.

9 So there is deterrence occurring in this case through
10 the fact of prosecution and the fact of punishment, and much of
11 the research on deterrence is that it is, in fact, the
12 certainty of prosecution and the certainty of punishment, as
13 opposed to necessarily the length of punishment, that is the
14 most effective deterrent.

15 I want to take half a step back to what the
16 Government said about the guidelines now. Judges across this
17 country, districts and circuits throughout the country, have
18 roundly rejected loss as a direct measure of culpability. It
19 is of course relevant, and the Government's point about this
20 taking place over some period of time is, I think, also
21 relevant.

22 But if you look at what the guideline says, the
23 guideline says it's a base offense level of 7 which equates to
24 effectively a probationary or community confinement sentence,
25 which is not appropriate in this case and certainly not what

1 we're asking for. And then 18 levels are added to that. So
2 effectively the sole driving factor here in what the guidelines
3 recommend as a sentence is the loss amount. It's the entire
4 ball game is the only way you can put it.

5 It's not in keeping with the charge Congress gave the
6 Sentencing Commission which is to look at empirical evidence.
7 Congress itself has regularly gotten itself involved, and after
8 it seems every large corporate scandal in this country, the
9 fraud guidelines go up because a congressperson gets upset, and
10 they tell the commission we need longer prison sentences in
11 this. So now we are completely divorced from this sort of
12 empirical approach that the Sentencing Commission was supposed
13 to do. It's not in keeping with how the Sentencing Commission
14 approaches its work in other areas. And most importantly, it's
15 not in keeping with 18 USC 3553(a).

16 That statute, as the Court is well aware, directs the
17 Court to consider, in a way, a full panoply of factors. The
18 guidelines, and the Government's adherence to the guidelines,
19 pulls in the opposite direction.

20 The Supreme Court has been extremely clear, even in
21 the pre-*Booker* era, that sentencing is an individualized
22 determination, and the effect that these guidelines have when
23 it is so driven by one factor in the case, it pulls it away
24 from this sort of individualized determination that the Court
25 should approach. If you look at the individualized

1 determination, in other words, look at the individual seated to
2 the right of me today, Mr. Arrington has traveled a long road
3 in the past two years.

4 When I first met Mr. Arrington about 23 months ago,
5 he sat with me in the small conference room in the public
6 defender's office and we talked about the case. And I'm not
7 going to disclose our conversation there because I feel that
8 that is still privileged communication, but I will say when
9 Mr. Arrington left my office, my first call was to Dr. Stejskal
10 because I truly believed we were heading towards a competency
11 proceeding in this matter. I believed at that moment that
12 there was a very likely chance Mr. Arrington would not have
13 been competent to proceed in this case. Now --

14 THE COURT: You're referring to Dr. William Stejskal,
15 S-t-e-j-s-k-a-l?

16 MR. SZEKELY: That's right.

17 THE COURT: The clinical psychologist to whom --

18 MR. SZEKELY: Correct.

19 THE COURT: I have read his report that was filed.

20 MR. SZEKELY: Thank you, Your Honor. In
21 Mr. Arrington's case, psychiatric medication, I think, has been
22 nothing short of life altering. When I first met
23 Mr. Arrington, he was abstinent from amphetamines for probably
24 about six months but was not regularly on a mood stabilizer.
25 Within weeks Ms. Hopkins and I saw the change in Mr. Arrington

1 as he began to first take Seroquel, which has a mood
2 stabilizing impact but is not first-order treatment the way his
3 current medication is for bipolar disorder. This wasn't like
4 flipping a switch. It did take some time for Mr. Arrington to
5 lose his most severe symptoms.

6 But he had extraordinarily severe symptoms, Your
7 Honor. I know the Government has repeatedly, both in its
8 written submission and again here today, described bipolar
9 disorder as one being exemplified by people having manic
10 episodes, and that is certainly correct. But the missing piece
11 here is the amount of amphetamines that Mr. Arrington was
12 taking led to literal psychosis. He was taking so many
13 amphetamines that were perhaps masking at times and perhaps
14 exacerbating at other times the symptoms of his, at that time
15 undiagnosed, bipolar disorder.

16 I keep coming back to this because I want to sort of
17 rebut this idea that the bipolar disorder that Mr. Arrington
18 currently lives with isn't a motivating factor here.
19 Mr. Krulak said in July of 2018 there was a real acceleration
20 of the conduct in the case, and that's when Mr. Arrington, it
21 seems, a quarter of the loss was incurred during that one
22 31-day period. I am certainly not surprised to learn if you
23 look back at this, Mr. Arrington's illness and drug use were
24 similarly accelerating during that time.

25 Your Honor, Mr. Arrington first developed mental

1 illness at the age that many young individuals do, in the mid
2 to late 20s. So he tracks there, this was undiagnosed behavior
3 for a long time.

4 Secondly, Your Honor, Mr. Arrington, as I said
5 earlier, displayed psychotic symptoms. It's noted in both the
6 presentence report and in Dr. Stejskal's report,
7 schizoaffective disorder which is an illness where individuals
8 have primarily a mood disorder like bipolar disorder but also
9 have symptoms in line with schizophrenia. For example,
10 delusions of grandeur or hallucinations was on the table as a
11 potential diagnosis. Fortunately, because schizoaffective
12 disorder is notoriously difficult to treat, that is not
13 Mr. Arrington's situation here today. Those psychotic symptoms
14 have completely receded as he has remained abstinent from
15 amphetamines, in particular, but all substances coming up on
16 two years, and he's going to be able to manage this illness.

17 I also think it's important for the Court to note
18 Mr. Arrington's effort to address this situation. First, in
19 in-patient rehabilitation. A lot of people don't make it
20 through in-patient rehab; they leave before their 28 days are
21 up. Mr. Arrington stayed through the end. And he's really
22 engaged in the treatment that Pretrial in this case has
23 ordered. He could have just gone and checked in and gotten his
24 medication -- and he certainly gets his medication, and I'll
25 talk about that in a minute. But Mr. Arrington has been in,

1 effectively, nearly weekly individual counseling with mental
2 health providers.

3 What does that give him? First it gives him tools to
4 sort of manage his daily life. But it's also given
5 Mr. Arrington time to reflect and it's given Mr. Arrington
6 insight into his illness, especially crucially how his impact
7 affects -- how his illness affects his thoughts and how those
8 thoughts then affect his behavior.

9 The third part of this, Your Honor, is that living
10 with a mental illness is hard. There are good days, there are
11 bad days. What is especially difficult about living with
12 bipolar disorder is on your good days, your brain is lying to
13 you. And your brain is sometimes telling you you don't need to
14 take your medication today because you feel good, and it takes
15 discipline and, again, insight into your own illness to know
16 that I have to take this pill every single day because if I
17 don't take it, I'm not going to be a good father, I'm not going
18 to be a good son, I'm not going to be a good brother, I'm not
19 going to be the person who I want to be.

20 Mr. Arrington is probably going to be taking one or
21 two or more of these medications potentially every day for the
22 rest of his life, but he's prepared to do that because the
23 things that are important to him, which now that Mr. Arrington
24 is out of the sort of haze of drug use and illness, what's
25 important to Mr. Arrington? Coaching his son's sports teams,

1 being there for his family, spending time with his family,
2 going to family events, things of that nature. That ability to
3 think clearly through treatment, through therapy, is why
4 Mr. Arrington has for the past two years had, with the
5 exception of handful of times he was out of range in October
6 2019, a solid record on pretrial supervision.

7 What does that tell the Court? First thing it can
8 tell the Court is Mr. Arrington is going to comply with
9 supervision when Mr. Arrington is on supervised release. We
10 are asking the Court, we suggested in our sentencing memorandum
11 three conditions of supervision that were not actually in the
12 PSR. We're asking for them to be added. I'm happy to review
13 those now or we can review those later in the proceeding, Your
14 Honor.

15 If someone has been on pretrial supervision for 23
16 months -- and the pandemic has unfortunately delayed this as it
17 has many other proceedings, but it's also given the Court an
18 opportunity to see his track record. Mr. Arrington is before
19 Your Honor today. Mr. Arrington will be back before Your Honor
20 at Your Honor's reentry court which, hopefully as things open
21 up, will resume its usual proceedings in the near future. And
22 that's the last time Mr. Arrington is going to be here in
23 courtroom 5D with Your Honor because he's going to succeed on
24 supervised release because he has shown he can.

25 Your Honor, a 48-month sentence in this case would be

1 excessive. The Government's recommendation does not account
2 for public safety or the fact that Mr. Arrington going forward
3 is not going to be any risk to public safety, not only because
4 of supervision, but because -- it would be difficult to fathom
5 an employer at this point putting Mr. Arrington back in the
6 position he was in before.

7 As I said earlier, deterrence is -- the certainty of
8 prosecution which happened here and the certainty of punishment
9 which the Court will be imposing very briefly are the most
10 effective deterrents. There's no question this case is
11 serious. There's no question that Mr. Arrington's conduct in
12 this case hurt people. But the 3553(a) factors push very hard
13 back in the other direction; explaining Mr. Arrington's
14 conduct, showing the Court why Mr. Arrington is never going to
15 do anything like this again.

16 Your Honor, I will let Mr. Arrington speak for
17 himself in just one moment, but we are asking the Court at this
18 point to impose a one-year-and-one-day sentence in this case.
19 I have a short list of supervised release and BOP
20 recommendations. I'm happy to provide them now or --

21 THE COURT: Why don't you give them to me now,
22 certainly.

23 MR. SZEKELY: Certainly. In terms of supervised
24 release, Your Honor, per Dr. Stejskal's request -- and with
25 Mr. Arrington's consent, I should add; all of these are with

1 his consent. With Mr. Arrington's consent, we are asking that
2 blood testing for medication compliance be added as a condition
3 of supervised release. Mr. Arrington should have a pretty
4 consistent level of the medication he takes in his bloodstream,
5 and Dr. Stejskal says it's very easily verifiable through
6 routine testing, so we would ask that Mr. Arrington have to do
7 blood testing to determine his medication compliance.

8 That way if there's any issues, his probation officer
9 can get in front of it and hopefully get -- I don't foresee
10 this happening because Mr. Arrington is very self-motivated to
11 remain in compliance with treatment, but it will give the
12 probation officer a tool to make sure things don't get off the
13 rails.

14 We are also asking for supervised release conditions
15 that Mr. Arrington, if he's going to be applying for a job
16 where he may be dealing with money, that he disclose the fact
17 of his conviction to that employer. I don't always like the
18 disclosure requirements in supervised release, but I think it's
19 absolutely appropriate in this case.

20 And I also think that Mr. Arrington should also have
21 to get his probation officer's permission before any job where
22 he'll be handling other people's money. I think those are
23 appropriate and well-tailored release conditions -- again, not
24 in every case, but I think in this case, they are absolutely
25 appropriate and we'd ask they be added.

1 In terms of Bureau of Prisons recommendations, Your
2 Honor, Mr. Arrington and I met today. We reviewed some options
3 together, and we would respectfully request the Court recommend
4 placement at FCI Morgantown Low --

5 THE COURT: Placement where?

6 MR. SZEKELY: FCI Morgantown Low in West Virginia.
7 We would ask that the Court recommend if appropriate, and if
8 the sentence is of sufficient length, placement within RDAP.
9 We would ask that the Court recommend mental health and
10 substance abuse treatment.

11 I will note that Mr. Arrington was incarcerated from
12 June 4 and was released on June 7, all in 2019, so I would
13 request that the judgment reflect that amount of pretrial
14 credit in this case.

15 Additionally, Your Honor, I would ask -- I've spoken
16 with Ms. Garner about this right before the proceeding. I
17 would request that Dr. Stejskal's report be made part of the
18 packet of materials the Probation Office uploads via the
19 E-designate program. That way there will be continuity of
20 care --

21 THE COURT: Referring to your submission, Document
22 No. 63-1, that was filed on April 28.

23 MR. SZEKELY: That's correct.

24 THE COURT: The report of Dr. William Stejskal, a
25 clinical psychologist -- he's a Ph.D. doctor.

1 MR. SZEKELY: Correct.

2 THE COURT: William Stejskal, S-t-e-j-s-k-a-l, a
3 licensed clinical psychologist.

4 MR. SZEKELY: That's correct. I would ask that that
5 follow Mr. Arrington into the Bureau of Prisons.

6 Finally, paragraph 78 of the presentence report --
7 Ms. Garner, I apologize, I forgot to discuss this with you
8 before -- lists Mr. Arrington's initial diagnosis which is
9 incorrect. I'd ask paragraph 78 be updated to reflect
10 Mr. Arrington's current diagnosis of bipolar disorder.

11 With that, Your Honor, I'll turn it over to
12 Mr. Arrington, except to say that the Pretrial Services had
13 recommended self-surrender. We'd request self-surrender, and
14 we could certainly discuss a date later in the proceeding.
15 Thank you.

16 THE COURT: Thank you very much, Mr. Szekely. As
17 always, thank you for your very thorough representation.

18 I would note I have reviewed the letters attached to
19 your papers: a letter from an attorney, Jamar E. Daniel,
20 apparently a former basketball teammate of Mr. Arrington's at
21 McDaniel College. Also from Miguel Jones who appears to also
22 have been a basketball teammate, it would appear; as well as
23 another teammate, Brett Foelber, F-o-e-l-b-e-r. Looks like all
24 three are former colleagues and teammates of Mr. Arrington at
25 McDaniel College in the basketball program. I have read all

1 those letters.

2 I have read Dr. Stejskal's, the clinical
3 psychologist, I've read his report as well.

4 So with that, if you'll please stand, Mr. Arrington.
5 I now personally address you and determine if you wish to make
6 a statement and give you the opportunity to speak on your own
7 behalf. Would you like to make a statement, sir?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Glad to hear from you. Keep your voice
10 up.

11 THE DEFENDANT: All right, cool.

12 Dear Judge Bennett, I write this open letter to you
13 and to all who stand in judgment of me from the guilt and bad
14 decisions that I've made on my behalf that have not only
15 humiliated me but my son, family and friends. I'm extremely
16 remorseful for the losses incurred because of my bad decisions.
17 In pleading guilty to a federal crime has caused me to spend
18 countless hours reflecting on how I brought these troubles upon
19 myself.

20 I knew better than to engage in these crimes that I
21 have committed, and I have accepted responsibility for my
22 wrongs which have been the first step for me during this long
23 journey. Yet I know that I owe so much more than this guilty
24 plea. I acknowledge that I have lacked the good character to
25 make better decisions, and for the rest of my life, I'll work

1 hard to reconcile with society.

2 As you deliberate over the appropriate sentence for
3 my criminal behavior and the losses I have caused, I am hopeful
4 that you will take my entire life into consideration. During
5 this time of reflection, I felt that it was important for me to
6 understand the purpose or purposes of my going to prison were
7 to serve. The purpose, it is to serve both those that I have
8 wronged and my growth as a person, as this may be a real life
9 option that has chosen to be the way that I right my wrongs,
10 and I am determined to make every effort to do just that.

11 As a result of the horrible decision after horrible
12 decision, I have been publicly ashamed and embarrassed by the
13 greed that drove me to want more than I ever had imagined.
14 Without self-discipline or control, I fell so deep into my
15 rabbit hole, causing distress to those I have wronged and to
16 myself along the way.

17 Being in serious legal trouble for the first time
18 ever and placed on house arrest for two years was the rude
19 awakening of how serious and crazy my life had gotten. I knew
20 that anything criminal was never meant to be a part of my path,
21 and I cannot believe that I let greed and additional bad
22 decisions tear me apart from who I was, tear me apart from my
23 family. And as crazy as some things I might say might sound,
24 maybe this needed to happen on a personal level to save me and
25 my body from the drug abuse and mental destruction, from bad

1 decisions that I may have never made without this.

2 I am grateful and I appreciate the opportunities. I
3 must fix what I have done and also heal myself. I have broken
4 the trust and I was being monitored, and I needed to regain
5 that trust and grow.

6 Over these past three years, I'm proud to say that I
7 have begun to do that. I followed and still do follow through
8 with my therapies and medications to be sure I fulfill my
9 promises to myself, my child, my family and society. This is
10 me restoring my health to normalcy and rehabilitation.

11 Dear Honorable Judge Bennett, I understand truly what
12 you were saying when you talked about not just the ten
13 employees that were affected by my wrongdoings. I understand
14 exactly what you're saying when you speak about the young
15 people in the community need somebody to look up to, that hope
16 to see somebody that looks just like them do the right things,
17 like go to college, stay out of trouble, get a great job in
18 corporate America, and come back and try to teach them to do
19 the same things.

20 As much as I've been through over the last two, three
21 years, I understand my family has been through even worse.
22 They worry about me on a consistent basis. My son who is not
23 here with me today, I love him dearly.

24 THE COURT: Your son is now eight years old?

25 THE DEFENDANT: My son is eight. He turns nine on

1 May 21. Has a birthday two weeks away. Couldn't imagine a day
2 being without him. As a young father, it's amazing for me to
3 be in my community and actually be in his life because we don't
4 have a lot of guys like myself to sacrifice, not only be a part
5 of his life but also have a relationship with the mother. I
6 come to speak about what you say as far as being a part of a
7 community where we're from and not having somebody to look up
8 to, and I could have been that guy.

9 I'm not going to say it was the Adderall that made me
10 feel like a superhero. It was me feeling like I always been a
11 superhero. I got a mom, I got a father. I got a lot of role
12 models, and I took the great things these guys taught me as I
13 was growing up, and I tried to be that. I was always the top
14 of my class in high school, always the top of my class in
15 college, and I was the best employee at Agora, and I worked
16 hard for that.

17 To me, becoming Chad Focus, it was never about
18 becoming Chad Focus, it was about the focus word. It was about
19 people that look like me, young, brown and black kids, in
20 Baltimore City, the most dangerous place in the world, being
21 able to hope that they could see something, and I fell short,
22 like you said. And I apologize because my example could have
23 been an example that not only motivated them but showed them it
24 could be done.

25 As you speak about that being done in a purported way

1 because of fraud, I didn't hope for that to be an intention,
2 and I hope that that \$4 million could have been shown, look, we
3 can do this as a community. The concert tickets, Judge
4 Bennett, they were used to allow those kids in the inner city
5 to go to the concert for free. The community events I did in
6 the city of Baltimore, I did over 40 of those, I sponsored all
7 the events and charities that nobody speaks about, and I
8 understand that. For me, I wish I could have gave them the
9 type of hope the right way.

10 I just wanted to give you the context of where you
11 felt as far as your comments about how I felt about the
12 community and why I apologize, and you're right; I did let down
13 the city and I did let down the youth. And for all those
14 watching, I hope there will be a story of redemption.

15 I've experienced the constant sight of disappointment
16 and embarrassment in the faces that I love in the community.
17 It's been a terrible experience. These last few years have
18 been life shattering for myself, and those actions have
19 affected my loved ones dearly. I do not wish this form of
20 public consequence for these huge mistakes on anyone. Not
21 being able to privately go through punishment is what I needed
22 and it made me a better person.

23 I hope to show that I can again be trusted and given
24 a second chance. Please allow me to pay back those I owe so
25 much to. As every event that has taken place in my life in the

1 past to lead to this sentencing has been taken into
2 consideration, I hope and I pray that the Court allows me to
3 redefine my future with where I stand today. Thank you for
4 your deep thought and consideration.

5 (Conference on the sealed record.)

6 (It is the policy of this court that every guilty plea and
7 sentencing proceeding include a bench conference concerning
8 whether the defendant is or is not cooperating.)

9 THE COURT: Thank you, Mr. Arrington. You talked
10 about the young people look up to you. You obviously must have
11 succeeded on the basketball court at Randallstown High School,
12 correct?

13 THE DEFENDANT: Yes, sir. State champion, 2005.

14 THE COURT: I thought so. I don't say this all the
15 time, but having been active in athletics myself at one time, I
16 many times share this story because you're going to need to
17 remember this. I once went to a football banquet, representing
18 my high school, and a football coach there said to a lot of
19 cocky young athletes, "I don't care what you've done or where
20 you've been; I care what you're doing and where you're going."
21 That message was to a group of really cocky 17-, 18-year-old
22 kids, but it's also true in terms of where you are now.
23 Because reality is because you're an athlete, you're used to
24 getting knocked down and getting back up.

25 THE DEFENDANT: Yes, sir.

1 THE COURT: You understand what I'm saying to you?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: It means you've got to turn your life
4 around. I'm confident that you're turning your life around.
5 But I will tell you that a higher calling is required of you.
6 I hear Mr. Szekely and his very eloquent remarks about a
7 message to the community.

8 Here's a message to the community: We have kids
9 coming in here dealing in drugs, caught with drugs, caught with
10 guns. Do you have any idea the prison sentences that come out
11 of this courthouse?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: It's unbelievable. We have statutes that
14 mandate 5-, 10-, 15-year mandatory minimum sentences. There
15 are kids that stand there where you are that didn't have
16 anywhere near the chance you've had, they pray to get a 10-year
17 sentence and not a 15- or 20-year sentence. Do you understand
18 what I'm saying?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: And here you come along and you come in
21 with a white-collar fraudulent offense, and you essentially
22 embezzle and steal \$4 million, and I can't think of a worse
23 message than to give you a sentence of one year and one day.
24 Mr. Szekely talks about a message -- that's a message. That's
25 a real message. That's a real message that nothing happens to

1 you. We've got kids on this street that can't find jobs,
2 they're lost. To hear that somebody embezzles \$4 million and
3 gets a year and a day, it's like, "Whoa, I'll take that
4 chance," because they're dealing in drugs, running the risk of
5 15 and 20 years in prison.

6 So a year and one day would send an absolutely
7 terrible message to the community. Exactly the opposite
8 message. Understandably so. "What the heck, if it's just
9 stealing money, we can get away with it. We may or may not get
10 our knuckles cracked." That's what's before us here, is that
11 the message has to go out in terms of a white-collar offense
12 and a fraud offense. A higher expectation is called for you.

13 I remember one time putting a prominent Baltimorean
14 in prison for a period of time. I said: You're like the
15 captain of the football team who gets drunk the night before
16 the big game.

17 You're the basketball star that had it all right
18 there, including being able to play in college. Good job. The
19 works. And you blew it. Doesn't mean you can't come back.
20 Doesn't mean you're not turning your life around. You are.
21 And I'm going to exercise some compassion here. I'm not going
22 to necessarily give you the prison sentence recommended by the
23 Government, but I will tell you the Government is not being
24 unreasonable about this because you were really way off the
25 edge.

1 I read the mental health reports of the clinical
2 psychologist. I certainly respect his professional opinion,
3 but you were on a roll. You were creating a myth. And you
4 didn't need to. You were good enough without trying to be Chad
5 Focus. You didn't have to create a myth. You're Chad
6 Arrington. You're a college graduate. You're a good
7 basketball player, a good person, good family. You already
8 were there. You didn't have to create this myth of being Chad
9 Focus. So you have to be punished accordingly because a
10 message has to go out.

11 I've said this on more than one occasion, so your
12 family understands. In light of the prison sentences that are
13 imposed on young people in this metropolitan area in drug
14 prosecutions, I feel very strongly about the fact that a
15 message has to go out on white-collar prosecutions as well, so
16 that the message isn't just, "Well, as long as you aren't
17 caught dealing drugs, it's okay, but God help us if you're
18 caught dealing drugs." That's a whole different matter -- you
19 know what this community is facing. You have to step up and
20 accept the fact you've got to be punished, visibly punished, so
21 that young people realize that there are limits here, and you
22 had it.

23 It doesn't mean you can't get it back, doesn't mean
24 you can't be a great role model. I project you, years down the
25 road from now, coaching a rec council basketball team,

1 counseling some young man who's having a problem because you've
2 been there. You're there now, right here in federal court. So
3 you've got to use it as a positive. You understand what I'm
4 saying?

5 Don't for a minute think that I'm not compassionate
6 about what you've gone through, but there's over \$4 million
7 that was just absorbed. There's no way, simply no way that a
8 prison sentence of a year and a day adequately addresses that,
9 and it sends exactly the wrong message.

10 I've considered all these factors. I've considered
11 the guideline range here, and the guideline range is helpful.
12 Just so you know, the guideline range is helpful with respect
13 to trying to have some national consistency. The purpose of
14 the guidelines before it became some kind of complex algebraic
15 equation, the purpose of the guidelines was to see to it that a
16 federal judge in Baltimore was somewhat consistent with a
17 federal judge in Los Angeles or Chicago or Miami. That's the
18 purpose of the guidelines, uniformity of sentence. That's the
19 purpose. That gets lost a lot in all these numbers and
20 equations.

21 But I think the guideline range has it pretty close
22 to right in terms of what is required here in this case.
23 Having said that, I think that the sentence can be structured
24 in a way that we're at the lower end of these guidelines.
25 There's a particular section in the advisory guidelines that

1 says that one day of home detention can equal one day of
2 incarceration, Section 5C1.1(e)(3) of the advisory guidelines.
3 I'm going to order that the first year of your supervised
4 release you be on home detention, essentially house arrest.
5 I'm factoring that into the sentence I impose here in terms of
6 the appropriate sentence here.

7 So it is ordered that you be remanded -- I've
8 factored all of these *Booker* and *Gall* factors in in terms of
9 the message to the community, the guideline calculation, and I
10 factored all those factors in as well here. It's as follows:

11 There will be a total structure of 42 months. You'll
12 be remanded to the custody of the Bureau of Prisons for a
13 period of two-and-a-half years; that's 30 months. 30 months
14 incarceration on Count 1 with credit for time served in federal
15 custody from June 4 of 2019 to June 7 of 2019.

16 I'm going to recommend that during this period of
17 incarceration for 30 months that you receive psychological
18 counseling, mental health treatment, substance abuse treatment
19 for whatever you're deemed eligible. I'll recommend the RDAP
20 program; it's up to the Bureau of Prisons if they place you in
21 it. It could cause you to serve less time. I'm going to
22 recommend that you go to, as requested, FCI Morgantown Low,
23 West Virginia.

24 I'm going to certainly permit voluntary surrender.
25 The Government doesn't have any reason to believe this

1 defendant represents a risk of flight or threat to the
2 community, do you?

3 MS. SETZER: No, Your Honor.

4 THE COURT: I've read the Pretrial Services report
5 that recommends voluntary surrender. You're going to be placed
6 on supervised release after your prison sentence for three
7 years with the mandatory and standard conditions that I'm going
8 to summarize in a minute and the additional conditions. But
9 the most important additional condition is that you're on 12
10 months' home detention for the first 12 months. So I
11 structured 30 plus 12 equals 42 which is at the low end of the
12 guidelines, and it is an alternative way.

13 I think a straight 4-year period of prison would be
14 excessive here. I think the appropriate message gets out with
15 the 2 1/2-year prison sentence.

16 You're obviously going to be ordered to make
17 restitution during this period of supervised release. The
18 period of supervised release of three years with the mandatory
19 and standard conditions of supervision adopted by the court.
20 Those mandatory conditions -- which I must summarize now in
21 light of recent Fourth Circuit case law -- read all these out
22 to you, is that you must not commit any other federal, state or
23 local crime; that you're not unlawfully to possess a controlled
24 substance; that you must refrain from any unlawful use of a
25 controlled substance; that you must submit to one drug test

1 within 15 days of your release from imprisonment and at least
2 two periodic drug tests thereafter as deemed advisable by the
3 probation officer.

4 You must make restitution in accordance with 18
5 United States Code, Section 3663 and 3663(a), in the total
6 amount of \$4,142,435.31. The special condition will be that
7 you make payments of \$200 a month toward that, and the rest of
8 it will be handled by the financial litigation unit of the U.S.
9 Attorney's Office.

10 You must cooperate in the collection of DNA as
11 required by the probation officer. Sex offender registration
12 and domestic violence issues are not present in this case.

13 They are the mandatory conditions.

14 In addition, the standard conditions are that you
15 must report to the Probation Office within 72 hours of your
16 release from prison and follow all instructions of the
17 probation officer, and after initially reporting to the
18 probation officer, you are to receive instructions about how
19 and where to report from that point forward. You must not
20 knowingly leave the federal district where you're housed
21 without permission from the probation officer.

22 You must truthfully answer all questions asked by the
23 probation officer. You must live in a place approved by the
24 probation officer, and you must allow the probation officer to
25 visit your home or elsewhere at any time to check out these

1 living arrangements.

2 You must make every effort to gain full-time
3 employment, and you are not to communicate or interact with
4 anyone who you know or have reason to believe is engaged in
5 criminal activity. And if you know someone has been convicted
6 of a felony, you must not knowingly communicate or interact
7 with that person without first getting the permission of your
8 probation officer.

9 If you are arrested or even questioned by law
10 enforcement, traffic stop, whatever, you are to notify your
11 probation officer within 72 hours of that kind of interaction
12 with law enforcement. You are not to possess or have access to
13 a firearm, ammunition, destructive device or any other
14 dangerous weapon. You are not to act as an informant with law
15 enforcement absent approval of this court.

16 If it's determined that you pose a risk to anyone
17 else and the probation officer will so indicate to me, you are
18 not to have contact with that person.

19 In addition to all those mandatory and standard
20 conditions, the additional conditions are as follows, first of
21 which I already mentioned. You are placed on supervised
22 release with home detention for a period of 12 months and to
23 follow all the costs of that program and pay the costs of that
24 program. You are permitted to go to work. You are permitted
25 to go to medical appointments, church, that kind of thing, but

1 otherwise you're on home arrest for the first 12 months of your
2 period of supervised release.

3 You must pay a \$100 special assessment, and that will
4 just be deducted from your prison wages once you are
5 designated. You are not to incur any new credit charges
6 without the approval of the probation officer. You are to
7 provide the probation officer with access to all requested
8 financial information.

9 You are to submit to blood testing to ensure medical
10 compliance with your health needs.

11 You are to also provide notice to any future
12 employers as to the nature of this offense and this conviction.

13 As I've already said, you are to pay the monetary
14 restitution imposed by this Court at the rate of \$200 per
15 month.

16 You are to participate in any mental health treatment
17 and medications and substance abuse program or substance abuse
18 testing as deemed necessary, and you are not to use any
19 controlled substance without a valid prescription.

20 This period of supervised release which is the
21 maximum period of supervised release will allow proper
22 monitoring here, and God willing, if I'm still up here on the
23 court when you're released, you'll come back to my reentry
24 court, and we'll help you. Hopefully, that will be reinstated
25 once the pandemic is over. The third Thursday of every month,

1 I have people here whom I've put in prison, and we have a
2 reentry court. We try to get you off on the right step.
3 Supervised release is meant to be a constructive process, not a
4 negative process.

5 I'm not going to impose a fine because you're not
6 able to pay a fine, and all the money you earn has to go
7 towards this restitution. The special assessment, as I've
8 said, is mandatory and will just be deducted from your prison
9 wages.

10 You're not a risk of flight or threat to the
11 community in the eyes of the Government, and Pretrial Services
12 concurs, so you will be permitted voluntary surrender. I'll
13 give you 90 days to report, and you'll be designated and you
14 voluntarily report. That would place the defendant, I gather,
15 in the month of August --

16 THE CLERK: Judge, Tuesday, August 3rd.

17 THE COURT: Tuesday, August 3rd. Your reporting date
18 will be Tuesday -- thank you, Ms. Carter. Tuesday, August 3rd,
19 2021.

20 I want to advise you of your appeal rights,
21 Mr. Arrington. In paragraph 10 of the plea agreement letter,
22 both you and the Government waived appeal of any lawful
23 sentence, and I believe both sides have waived appeal here.
24 But if you did want to note an appeal, you should do so within
25 14 days of the entry of the Judgment & Commitment Order in this

1 case pursuant to Rule 4(b) of the Federal Rules of Appellate
2 Procedure. If you could not afford an attorney to represent
3 you, an attorney would be appointed to represent you.

4 Mr. Szekely, you and Ms. Hopkins do not need to
5 notify the Court, but just make sure your own file reflects
6 you've discussed his right of appeal with him, and presumably
7 he does not desire to file an appeal.

8 MR. SZEKELY: Understood, Your Honor.

9 THE COURT: Is there anything further from the point
10 of view of the Government, Ms. Setzer?

11 MS. SETZER: No, thank you, Your Honor.

12 THE COURT: I want to thank you for your thorough
13 preparation on behalf of the Government here. I certainly
14 heard what you had to say about the four-year sentence. I
15 think this is appropriate and sufficient but not greater than
16 necessary to achieve the goals.

17 Anything further, Mr. Szekely?

18 MR. SZEKELY: Nothing on behalf of Mr. Arrington.
19 Thank you.

20 THE COURT: Thank you, as always, for your very
21 thorough preparation of representing your client.

22 Mr. Arrington, it doesn't give me any pleasure doing
23 this. I wish you the best of luck.

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Every time I sentence somebody, I

1 consider the people I've sentenced before and after, and the
2 message has to go out that you have to be punished like anyone
3 else, and you have to pay the price for the financial fraud
4 that you committed here.

5 But you have plenty of life ahead of you. You're 33
6 years old now; is that right?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: You have plenty of life ahead of you.
9 You can be the role model that you were before, a different
10 kind of role model. But you can be the role model that you
11 were before in a different capacity, and you can serve as an
12 illustration not only to young people as to what happens when
13 they go astray but also how they can come back.

14 You're an athlete; now's the time to be an athlete.
15 And I wish you the best of luck, and I think you can bounce
16 back.

17 With that, this Court stands adjourned for the day.
18 Thank you all very much.

19 THE CLERK: All rise. This Honorable Court is
20 adjourned.

21 (Proceedings concluded at 3:40 p.m.)

22 ***

23 I, Patricia G. Mitchell, RMR, CRR, do hereby certify
24 that the foregoing is a correct transcript from the
25

1 stenographic record of proceedings in the U.S. v. Arrington
2 matter.

3 Dated this 4th day of August 2021.

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Patricia G. Mitchell
Official Court Reporter
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